

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TAMMY J. SCOTT ROBINSON	:	
<i>Administrator of the Estate of Anthony Scott,</i>	:	
	:	
Plaintiff,	:	23-CV-9521 (VSB)
	:	
-against-	:	<u>ORDER</u>
	:	
CITY OF NEW YORK, <i>et al.</i> ,	:	
	:	
Defendants.	:	
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VERNON S. BRODERICK, United States District Judge:

On May 28, 2024, Corporation Counsel of the City of New York (“Corporation Counsel”) filed an Answer in this action on behalf of Defendants City of New York, Correction Officer Timothy Waiters, and Captain Roger Bethelmy. (Doc. 31.)

The Answer filed by Corporation Counsel on May 28, 2024 was not submitted on behalf of three individual defendants, Correction Officers Jerome Brown, Liza Luna, and Charles Rutherford. On June 14, 2024, Corporation Counsel filed a letter informing me of its decision not to represent these defendants, a decision which it communicated to these defendants on May 30, 2024. (Doc. 32.) Corporation Counsel requested that I sua sponte grant these defendants a 30-day extension of time to file a responsive pleading, which I granted. (Doc. 33.) After Defendants Brown, Luna, and Rutherford failed to file a responsive pleading by the June 27, 2024 deadline, I ordered Corporation Counsel file a letter on or before Tuesday, July 16, 2024 providing an update the regarding the efforts of these defendants to obtain counsel, including whether Corporation Counsel has discussed this matter any further with John Burns at Karasyk and Moschella, LLP, whose firm typically represents Correction Officers whom the Office of

Corporation Counsel has declined to represent. (Doc. 35.)


On July 17, 2024, Corporation Counsel filed a letter informing me that it had conferred with Mr. Burns on July 9, 2024, who explained that his firm was still conducting representation interviews. (Doc. 36.) Corporation Counsel requested that I sua sponte grant a nunc pro tunc extension of time for Defendants Brown, Luna, and Rutherford to file a responsive pleading from June 27, 2024 to July 29, 2024, which I granted. (Doc. 37.) To date, Defendants Brown, Luna, and Rutherford have not answered, nor has counsel appeared on their behalf. Accordingly, it is hereby:

ORDERED that Defendants Brown, Luna, and Rutherford must file a notice of appearance, either pro se or through counsel, or must request an extension of time to do so, by no later than September 9, 2024.

IT IS FURTHER ORDERED that Corporation Counsel provide Defendants Brown, Luna, and Rutherford with a copy of this Order by August 13, 2024.

SO ORDERED.

Dated: August 12, 2024
New York, New York


Vernon S. Broderick
United States District Judge